

# **A Citizen's Guide To Filing A Complaint Against A Licensed Child Care Provider**

**What To Do When There Are  
Complaints & Concerns About Child Care**



*"Serving Michigan . . . Serving You"*

**State of Michigan  
Department of Consumer & Industry Services  
BUREAU OF REGULATORY SERVICES**

**[www.cis.state.mi.us/brs](http://www.cis.state.mi.us/brs)**

## **Together, parents, providers, communities and the state protecting children**

Michigan's child care is a partnership among:

- **PARENTS**
- **CARE PROVIDERS**
- **COMMUNITIES**
- **THE STATE OF MICHIGAN**

Each member of this partnership has an essential role in ensuring that children are cared for properly -- in an environment that nurtures each child to grow emotionally, physically, intellectually and socially.

Act No. 116, of the Public Acts of 1973, as amended, was passed giving the Department the power to develop and enforce rules for child care facilities. Within the Department of Consumer & Industry Services, the Division of Child Day Care Licensing in the Bureau of Regulatory Services has the responsibility to license and regulate child day care programs. The division also provides consultation and public education to members of the partnership.

The pamphlet is designed to help every member of the child care partnership to better understand how to address concerns and complaints in a positive way. It explains how to personally address a problem and who to contact if the problem seems too large for you to handle alone.

## **What to do when you have concerns about child care**

Questions sometimes arise regarding whether Michigan's licensing rules are being followed. That's when conflicts, concerns and complaints may surface. Concerns can come from a variety of sources -- parents, child care providers and caregiving staff, health and fire authorities and community members.

The pamphlet offers the following steps on how to address those concerns:

- Step 1 Communicate with those involved.
- Step 2 Call licensing for assistance and discuss filing a complaint.
- Step 3 Participate in the investigation process.
- Step 4 Get the findings.
- Step 5 Know what happens after the investigation.



## **Step One . . .**

### **Communicate with those involved**

Open, positive communication can go a long way in resolving problems early, before they grow. When concerns exist, it is the responsibility and obligation of all the members of the partnership to confront the issues and resolve them.

You may want to set up an appointment to speak with the person in charge of the child care facility to share your concerns. It's important for everyone involved to work together.

Whether you are a parent, provider, staff or community member, knowledge of Michigan's licensing rules can assist you in this communication.

These rules outline how children are to be cared for in child care facilities. The rules are preventative measures to protect children from harm.

While the State has a responsibility to enforce these rules, licensing staff cannot be at every child care facility all the time. Therefore, parents, providers and others must work together to ensure children are being cared for properly. Ask your child care facility for a copy of the licensing rules so you can be familiar with them.

## Step Two . . .

### **Call licensing for assistance and discuss filing a complaint**

If your concerns cannot be resolved by communicating directly with the child care facility, call your regional Division of Child Day Care Licensing office or the division's state office in Lansing at (517) 373-8300.

A division staff member will speak with you about your concerns and determine if the complaint is one the division has authority to investigate. The division's authority focuses directly on concerns related to the licensing law and rules. It cannot investigate concerns such as the amount of money charged for fees, lost clothing, etc.

Child Day Care Licensing staff will follow-up on all complaints that suggest possible violations of the rules or laws. All complaints are considered allegations and are taken seriously. The division views each licensing complaint as being against the facility that holds the license, not against a specific individual.



## **Step Three . . .**

### **Participate in the complaint process**

- **Opening the investigation**

Once a complaint is filed, there are several actions that must be taken to make sure the process is fair to children, parents, providers and the child care staff. The licensing consultant determines who needs to be contacted to obtain information. It is important for people with information regarding the concerns to be willing to cooperate with the investigation.

- **Gathering information**

As the complainant you will be asked to describe your concern in detail. It may be necessary to call you again at a later date to further clarify information. You are welcome to call the licensing consultant if you have further information or questions about the process.

The licensing consultant will talk to the licensee/registrant, as well as the person in charge at the facility, to determine their understanding of what happened. Other people may also be interviewed as to what they have observed. Depending on the complaint, these interviews may involve former and current parents, children and facility staff, as well as outside authorities or neighbors.



- **Contacting outside authorities**

If a complaint involves issues of environmental health, sanitation, fire safety, abuse or neglect, additional agencies will be contacted to help in the investigation.

- **Facility inspection**

The inspection may or may not be announced depending on the type of allegations being investigated. Records may also be examined during the inspection.

If additional concerns related to the rules or law arise, the licensing consultant has a responsibility to investigate those too.

- **Closing the investigation**

Most investigations and special investigation reports are finalized within 60 days. If the investigation findings conclude there are no violation(s), the investigation is closed.

- **Taking steps in the right direction**

If violations are found, the licensing consultant will ask the licensee/registrant to submit a plan of correction. It is the State's expectation that the provider correct any violations that exist within a given time period. The goal is to bring every child care facility into compliance. The licensing consultant will follow up with the provider to determine whether or not the violations have been corrected.

## **Step Four . . .**

### **Get the findings**

For all complaints, the licensing consultant will write a report describing the complaint and summarizing the investigation and findings. The licensee/registrant of the facility will be sent a copy of this report after it is completed. The report is also available under Michigan's Freedom of Information Act to others involved in the complaint and to the general public.





## **Step Five . . .**

### **Know what happens after the investigation**

In most cases, when a licensee/registrant becomes aware of licensing violations, the necessary corrections are made. The licensing consultant continues to be available for follow-up and consultation.

If the violations are not corrected and the rules continue not to be met, the Department of Consumer & Industry Services may take a variety of licensing actions against the facility. The most serious is the revocation of the license/registration.

When the Division of Child Day Care Licensing recommends a reduction in the number or ages of children or the removal of a license/registration, the licensee/registrant has the right to appeal that action at a hearing. The licensee's/registrant's side of the issues can be heard before an administrative law judge prior to the licensing action taking effect.

In a hearing, both the division and the licensee/registrant may call witnesses to testify on their behalf. If you offered information during the investigation, you may be called to testify.

The administrative judge's responsibility is to determine if the recommended licensing action against the facility is proper. The judge's decision is reviewed by the Director of the Department of Consumer & Industry Services who makes the final decision regarding the license.

## **Steps the Michigan Department of Consumer & Industry Services may take:**

- **Begin an investigation**
- **Call in outside authorities to assist with the investigation, as needed**
- **Interview the people involved, inspect the facility and review records, as needed**
- **Write a report of the investigation**
- **Recommend licensing action**

## **Possible licensing actions:**

- **When no violations have been established, the license/registration remains unchanged.**
- **When violations have been established, one or more actions may occur:**
  - **licensing inspections may be increased to monitor the facility which gives the licensee/registrant time to correct any problems**
  - **the license may be reduced to a provisional status for 6 months (only for group homes and centers) which gives the licensee time to correct any problems**
  - **the licensee/registrant may lose the license/registration**

## **Together, parents, providers, communities and the State protecting the children**

### **As a parent:**

... you want your children happy, safe and well cared for when you cannot be with them. Being informed and involved in your children's care begins with good communication. It means asking questions, listening, and sharing information on an ongoing basis. It includes visiting the child care facility at different times of the day, and volunteering to help so you get to know the staff who care for your children.

### **As a child care provider or staff member:**

... your role is to give children the best possible care to foster their well-being. It means being knowledgeable about the State's licensing rules for the care of children and putting that knowledge into practice. It is being open to ideas and concerns, and always seeking to improve your services.

### **Each community:**

... has a role in the partnership to encourage good child care practices. This includes accepting that children in care need the community's support and protection. It means taking action to show that support.

### **The State:**

... through the Bureau of Regulatory Services Division of Child Day Care Licensing has the responsibility to enforce rules for child care facilities. The division has the additional role of providing consultation and public education for the improvement of child care services in Michigan.

### **In partnership:**

... everyone working together will make a difference in the protection of our children!

Single copies of the licensing law and administrative rules are available from the Division of Child Day Care Licensing. A brief video on the complaint process, called "Complaints and Concerns", is also available for loan.

**Bureau of Regulatory Services  
PO Box 30560  
Lansing, MI 48909  
(517) 373-8300**

Order Quantity: 15,000  
Order Cost: \$2,499.30 or \$0.166 each  
Approval: CIS Director

BRS-PUB 0811 (Rev. 09/01) Previous edition may be used.

Department of Consumer & Industry Services will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs, or disability. If you need assistance with reading, writing, hearing, etc. under the Americans with Disabilities Act, you may make our needs known to this agency.